

### **REMARKS**

The office action of January 23, 2008 has been reviewed and these remarks are responsive thereto. Claim 34 has been canceled in the present paper. Claims 21, 22, and 26-29 were previously withdrawn. Claims 40 and 41 have been added in the present paper. Claims 1-20, 23-25, 30-33, and 36-41 are presented for examination. No new matter has been added. Reconsideration and allowance of the instant application is respectfully requested.

#### **Information Disclosure Statement**

The office action objected to the information disclosure statement filed May 30, 2007, stating that “US 2001/003523 A1 is an invalid document number and/or do [sic] not exist.” The correct document number is 2001/0003523 A1, and Applicants herewith submit a supplemental information disclosure statement.

#### **Claim Rejections Under 35 U.S.C. § 112**

Claims 1-20, 23-25, and 30-39 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the office action at page 5 states that “[i]t is unclear whether the synchronous media playback occurs with respect to initial starting of the synchronization process OR is with respect to ongoing synchronization process.” Applicants believe this rejection is moot in view of the amendments to claim 1, which now recites that the start playback request directs the guest terminal to begin a playback session of a media file in synchronization with a beginning of the playback session at the host terminal.

The office action at page 5 rejects claims 2-20, 23-25, and 30-39 based on the same rationale as applied to claim 1. In view of the foregoing remarks with respect to claim 1, and similar amendments to independent claims 11, 14, 23, 36 and 37, Applicants request withdrawal of the section 112 rejection of the referenced claims.

The office action at pages 5-6 rejected claim 11 based on it being unclear whether the features recited therein are embodied in a computer readable medium, are embodied as instructions in a computer readable medium, embodied in a computer system, etc. Applicants have amended the preamble to claim 11 to clarify that a computer-readable medium comprises

instructions that, when executed, cause a computer to perform various enumerated operations. Claims 12, 13, and 23-25 have been amended in a similar manner as claim 11. Accordingly, Applicants request withdrawal of the section 112 rejection of the referenced claims.

With regard to claim 37, Applicants have amended the claim to remove the recitation “if necessary.”

### **Claim Rejections Under 35 USC § 103**

Claims 1, 2, 4-6, 8-20, 23-25, 30-34 and 36-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liou (WO 99/46702) in view of Dalrymple et al. (hereinafter Dalrymple, US 6,976,094 B1), and further in view of Lango et al. (hereinafter Lango, US 7,076,560 B1). Applicants traverse this rejection.

Amended claim 1 recites, among other features, “transmitting a media playback invite request received from a host terminal to a guest terminal, wherein the media playback invite request includes a playback option enabling the guest terminal to request different types of actions; . . . receiving an action request from the guest terminal, wherein the action request includes the playback option; and sending the playback option received from the guest terminal to the host terminal.”

At most, Liou merely contemplates enabling users to view and control video simultaneously. Liou fails to teach or suggest features related to transmitting a media playback invite request received from a host terminal to a guest terminal, wherein the media playback invite request includes a playback option enabling the guest terminal to request different types of actions, receiving an action request from the guest terminal, wherein the action request includes the playback option, and sending the playback option received from the guest terminal to the host terminal as required by claim 1. Notwithstanding whether any combination of the applied references is proper, none of the applied references (alone or in combination) remedy the above-noted deficiencies of Liou. Thus, claim 1 is allowable for at least these reasons.

Amended independent claims 11, 14, 23, and 36 recite features similar to those described above with respect to claim 1. Accordingly, Applicants assert that the referenced independent claims, and all claims dependent upon them, are allowable.

Moreover, independent claim 36 recites, among other features, “responsive to receiving the media playback invitation, transmitting a media playback accept response to the server,

wherein if the apparatus does not have the media file, the apparatus downloads the media file before transmitting the media playback accept response.” These features are similar to limitations previously recited in now-canceled claim 34.

In the context of rejecting claim 34, the office action at pages 8-10 concedes that Liou fails to disclose the above-noted features. The office action asserts that Dalrymple (and Lango) discloses the recited features. More specifically, the office action at pages 8-9 contends that Dalrymple at col. 3, line 50 – col. 4, line 46, col. 5, lines 23-50, and Figures 2 and 4 discloses features related to relaying a media playback accept response from the guest terminal to the host terminal because Dalrymple describes an approach for setting up a communication session using a SIP protocol, wherein an OK response message in the SIP protocol is used by a node/terminal to convey to a client that an action was successfully received, understood, and accepted. Furthermore, the office action at page 9 asserts that it would not make sense to send the OK message (e.g., the alleged relaying of a media playback accept response) when the node/terminal does not have a subject file. Applicants discuss below why this assertion is inaccurate.

Dalrymple is directed to an environment for synchronizing web browsers wherein a need for users to convey uniform resources locators (URLs) or like location indicia is eliminated. See Dalrymple Abstract. More specifically, Dalrymple at col. 5, lines 35-50 describes an environment wherein once a session is established, a URL currently loaded in a caller’s web browser 12 is available to a callee’s web browser 12, and that any time either the caller or callee traverses their web browser 12 to a new web page, the new web page will be transmitted to web browser interface device(s) (WBID(s)) 16 belonging to other users participating in the session. Dalrymple at col. 6, lines 5-22 describes a process wherein if a session has not been initiated between users A and B, WBID A sends an INVITE request containing a current URL to WBID B, and WBID B responds with an OK response (to which WBID A will respond with an ACK message to establish the session). Dalrymple at col. 6, lines 23-34 continues that *at this point, there is an active session*, and WBID B will parse out the URL from the INVITE request to load the URL.

In view of the foregoing, even assuming (without admitting) that the analogy between the media file recited in claim 36 and (the web page referenced by) the URL described in Dalrymple is proper, Dalrymple teaches away from a guest terminal downloading a media file *before* sending a media playback accept response as required by claim 36. Instead, Dalrymple describes

downloading a media file (e.g., downloading the web page referenced by the URL in the INVITE request) *after* establishing a session (e.g., the alleged sending of a media playback accept response). As such, Applicants submit that the combination of Lango with Dalrymple is improper, as adding Lango with Dalrymple would impermissibly change the principle of operation of Dalrymple. See MPEP § 2143.01 (VI. The Proposed Modification Cannot Change the Principle of Operation of a Reference).

Claims 38 and 39, which depend from claim 36, are allowable for at least the same reasons as claim 36.

Amended independent claim 37 recites features similar to those described above with respect to claim 36. Claim 37 is allowable over the applied references for at least reasons substantially similar to those discussed above with respect to claim 36.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Liou in view of Dalrymple and Lango, and further in view of Crandall et al. (hereinafter Crandall, US 2002/0107040 A1). Claim 7 depends from claim 1, and Crandall fails to cure the above-noted deficiencies of Liou, Dalrymple, and Lango.

Claims 3 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liou in view of Dalrymple and Lango, and further in view of Agresta et al. (hereinafter Agresta, US 2002/0091848 A1). Claims 3 and 20 depend from claims 1 and 14, respectively, and Agresta fails to cure the above-noted deficiencies of Liou, Dalrymple, and Lango.

Moreover, Applicants submit that a person of ordinary skill would not have combined the teachings of Liou, Dalrymple, Lango and Agresta. Unlike Liou, which describes allowing users to have free access to control video playback (see Liou at page 2, lines 4-11, page 4, lines 23-30), Agresta is directed to systems having a primary purpose of preventing free access (see, e.g., Agresta at Fig. 4A step #116, 138, pg. 6 [0051]). Thus, notwithstanding whether any passage of Agresta (e.g., Fig. 4A step #116, 138, pg. 6 [0051]) may appropriately be analogized to the features of claim 3 or claim 20, one of skill in the art would not have had reason to combine the disclosures in Agresta with Liou (and the other applied references) to arrive at the features of claim 3 or claim 20. Doing so would frustrate the intended objectives of Liou in allowing any

participant to adjust the shared video playback. See MPEP § 2143.01 (V. The Proposed Modification Cannot Render the Prior Art Unsatisfactory for its Intended Purpose).

### **New Claim(s)**

Claim 40 has been added in the present paper and is believed to be supported by the specification when read as a whole, and particularly, by paragraphs [0029]-[0030]. Applicants submit that claim 40 is allowable for at least reasons substantially similar to those discussed above with respect to claim 36.

Claim 41 has been added in the present paper and is believed to be supported by the specification when read as a whole, and particularly, by paragraphs [0036] and [0044]. Applicants submit that claim 41 is allowable for at least reasons substantially similar to those discussed above with respect to claim 3.

### **CONCLUSION**

Based on the foregoing, Applicants respectfully submit that this application is in condition for allowance and request notice of the same.

Respectfully submitted,

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